

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Governmental Oversight and Productivity Committee

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BILL: SB 1756

INTRODUCER: Senator Sebesta

SUBJECT: Office of the Governor/Succession

DATE: February 21, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The configuration of the Florida Cabinet was modified by the adoption of Constitutional Amendment No. 8. in November of 1998. The amendment merged two Cabinet offices and eliminated two others. Specifically, the offices of the Treasurer and the Comptroller were merged into the office of the Chief Financial Officer. The amendment also removed the Secretary of State and the Commissioner of Education from the Cabinet. As a result of the adoption of the amendment, the Cabinet consists of an Attorney General, a Commissioner of Agriculture and a Chief Financial Officer.

This bill modifies the current statutory succession to the office of Governor in order to reflect changes in the size and composition of the Cabinet. The bill eliminates the Secretary of State from the succession as that office is no longer elected, but is appointed by the Governor. The bill also eliminates the Commissioner of Education from succession. Further, the Comptroller and the Treasurer are eliminated from succession to the office of Governor as those offices have been merged into the office of the Chief Financial Officer. The bill places the Chief Financial Officer in the line of succession.

Under the bill, the line of succession to the office of Governor is as follows: the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and then the Commissioner of Agriculture.

This bill amends section 14.055 of the Florida Statutes.

## **II. Present Situation:**

Section 5, Art. IV of the State Constitution, provides for the election of the Governor, Lieutenant Governor and Cabinet members. Subsection (a) permits a candidate for Governor to run without a Lieutenant Governor candidate. In the general election, however, all candidates for the offices of Governor and Lieutenant Governor must form joint candidacies in a manner prescribed by law so that each vote casts a single vote for a candidate for Governor and Lieutenant Governor running together.

Section 4, Art. IV of the State Constitution, provides for a cabinet of executive branch officers composed of an Attorney General, a Chief Financial Officer, and a Commissioner of Agriculture. Prior to 1998, this constitutional provision provided for a cabinet twice the size of the current cabinet. The configuration of the Cabinet was modified by the adoption of Constitutional Amendment No. 8. in November of 1998.<sup>1</sup> The amendment merged two Cabinet offices and eliminated two others. Specifically, the offices of the Treasurer and the Comptroller were merged into the office of the Chief Financial Officer. The amendment also removed the Secretary of State and the Commissioner of Education from the Cabinet.

Section 14.055, F.S., which provides for succession to the office of Governor, currently reflects the makeup of the pre-1998 cabinet, placing the Secretary of State behind the Lieutenant Governor in the order of succession, followed by the Attorney General, the Comptroller, the Treasurer, the Commissioner of Education, then the Commissioner of Agriculture.

## **III. Effect of Proposed Changes:**

The bill amends the statutory line of succession to the office of the Governor to reflect changes to the Cabinet made by modifications to s. 4, Art. IV of the State Constitution. Specifically, the Secretary of State and the Commissioner of Education are removed from the line of succession. Further, the Comptroller and Treasurer are also removed from the succession and are replaced with the Chief Financial Officer.

Under the bill, the line of succession to the office of Governor is as follows: the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and then the Commissioner of Agriculture.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

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<sup>1</sup> The amendment passed by a margin of 55.5% to 44.5%.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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